

## REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

New claims 24-27 have been added.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1, 3-11, 14-16, and 20-27 are now pending in this application.

### **Rejection under 35 U.S.C. § 102**

Claims 1, 3-8, 10, 14, and 20-23 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. 4,894,052 to Crawford (hereafter "Crawford"). This rejection is respectfully traversed.

Crawford discloses an introducer 10 with a needle 11 and a catheter 14. See col. 4, lines 43-50 of Crawford. The catheter 14, which is fitted within the introducer 10, is made of a translucent or transparent material and the needle 11 is fitted within an interior of the catheter 14. See col. 4, lines 47-50, and Figures 2 and 4 of Crawford. The needle 11 has a hole in its tip 12, permitting blood to flow into the bore 22 of the needle 11. See col. 5, lines 3-13, and Figures 2 and 4 of Crawford. The needle 11 also includes an access port 21 that permits blood to flow from the bore 22 of the needle 11 into an annular cavity 17 which is formed by the catheter 14 and surrounds the needle 11. See col. 5, lines 13-22, and Figures 2 and 4 of Crawford. The introducer 10 further includes a guide wire 24 which can be advanced within the needle 11 to close the access port 21 and prevent blood flow through the access port 21 and into the annular cavity 17. See col. 6, line 61, to col. 7, line 17, and Figure 4 of Crawford.

However, Crawford does not disclose an indicator system comprising, among other things, an insertion tube with an inlet opening formed on an outer surface of the insertion

tube, an opening at an extreme end of a distal end portion of the insertion tube, and a fluid communication pathway of the insertion tube that is formed between the insertion tube and an elongated member, as recited in independent claims 1, 10, 14, 20, 21, and 22. Claims 3-8 and 23 depend from claim 1.

Crawford does not disclose an insertion tube with both an inlet opening formed on an outer surface of the insertion tube and an opening at an extreme end of a distal end portion of the insertion tube. The catheter 14 of Crawford only includes a single opening at its distal end and does not also include an inlet opening formed on an outer surface of the catheter.

In regard to the needle 11, 11a of Crawford, the Office identifies the needle as an insertion tube and the guide wire 24 as an elongated member on pages 2 and 3 of the Office Action. The needle 11 of Crawford does not include the recited fluid communication pathway that is formed between the insertion tube and an elongated member because Crawford teaches that the guide wire 24 closes the access port, thus blocking flow of blood within the bore 22 of the needle 11. It appears that the outer diameter of the guide wire 24 is equivalent to the inner diameter of the bore 22 of the needle 11 so that the guide wire 24 may block the flow of blood within the bore 22. Therefore, the needle of Crawford cannot include a fluid communication pathway that is formed between the needle 11 and the guide wire 24 because the guide wire 24 of Crawford is constructed to block blood flow within the needle 11.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). See generally M.P.E.P. § 2131. Crawford does not anticipate claims 1, 3-8, 10, 14, and 20-23 because Crawford does not disclose all of the features of these claims. Reconsideration and withdrawal of this rejection is respectfully requested.

**Allowable Subject Matter**

Applicant gratefully acknowledges the allowance of claims 9, 11, 15, and 16.

**New Claims**

New claims 24-27 have been added. Claims 24-27 depend from claim 1 and are allowable over the prior art for at least the reasons discussed above and for their respective additional recitations.

**Conclusion**

Applicant submits that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

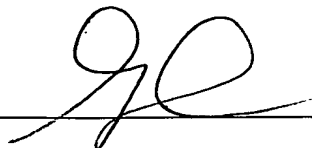
The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing or a credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

MAY 28 2008

Date \_\_\_\_\_

By  \_\_\_\_\_

FOLEY & LARDNER LLP  
Customer Number: 22428  
Telephone: (202) 672-5426  
Facsimile: (202) 672-5399

Glenn Law  
Attorney for Applicant  
Registration No. 34,371